



# UNITED STATES PATENT AND TRADEMARK OFFICE

MW

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,596	12/08/2000	Charles Cohen	P/3436-15	2802
2352	7590	02/19/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/732,596	COHEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Yehdega Retta	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/08/00.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-94 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-94 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 11-24, 26-36, 38-51, 53-65, 67-76, 78-87, 89-94 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by De Rafael et al. U.S. Patent No. 6,529,878.

Regarding claims 1-4, Rafael teaches defining work, making an offer of compensation units to user, accepting the offered compensation units, storing data related to number of interactions, transferring compensation unit to user ... plurality of portions (see fig. 1&3, and col. 5 line 52 to col. 7 line 47).

Regarding claim 5, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Art Unit: 3622

Regarding claims 6-9, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer, verifying user and session, accepting offer (see col. 7 line 47 to col. 8 line 36). Determining sufficient credit is inherent feature of providing compensation unit to user.

Regarding claims 11-15, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period, assigning code to each page ... recording each interaction (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

Regarding claim 16, Rafael teaches transaction processor comprising of database, with account holder and provider data, central processing unit for evaluating a request, requesting compensation, storing data, processing the request, executing transaction process for transferring amount to account holder if and when the defined number of interaction has been reaches (see fig. 1-3, and col. 5 line 52 to col. 7 line 47).

Regarding claims 17 and 18, Rafael teaches, data record including , account holder ID, demographic information,... compensation unit balance, content provider ID, ... (see col. 3 lines 16-27 and col. 5 lines 52-67).

Regarding claims 19-22, Rafael teaches a compensation data structure, redemption data structure, transaction and session data structure ... work defined as plurality of portions, compensation unit for each portion (see col. 4 line 56 to col. 5 line 51, col. 7 lines 33-47).

Regarding claim 23, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Regarding claim 24, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer, verifying user and session, accepting offer (see col. 7 line 47 to col. 8 line 36). Determining sufficient credit is inherent feature of providing compensation unit to user.

Regarding claims 26-30, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period ..., assigning code to each page ... recording each interaction (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

Regarding claims 31-34, Rafael teaches defining work, making an offer of compensation units to user, accepting the offered compensation units, storing data related to number or interactions, transferring compensation unit to user ... (see fig. 1&3, and col. 5 line 52 to col. 7 line 47); processor offering items for exchange for redemption of compensation units (see col. 3 lines 15-27).

Regarding claim 35, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Regarding claim 36, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer, verifying user and session, accepting offer (see col. 7 line 47 to col. 8 line 36). Determining sufficient credit is inherent feature of providing compensation unit to user.

Regarding claims 38-42, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period ..., assigning code to each page ... recording each interaction (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

Regarding claims 43-46, Rafael teaches communication network to perform work; making an offer; accepting the offer, storing data related to number of interaction; transferring compensation unit to user account; transferring units from user account to vendor account ... (see fig. 3 and col. 5 line 35 to col. 8 line 36).

Regarding claim 47, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Regarding claims 48-51, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer, verifying user and session, accepting offer (see col. 7 line 47 to col. 8 line 36). Determining sufficient credit is inherent feature of providing compensation unit to user.

Regarding claims 53-57, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period ..., assigning code to each page ... recording each interaction (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

Regarding claims 58, Rafael teaches transaction processor, database, content provider record; evaluating request; enabling user to request compensation; storing data related to number of interactions; executing transaction process ... (see fig. 1&3, col. 5 line 35 to col. 8 line 35).

Regarding claim 59, Rafael teaches, data record including, account holder ID, demographic information, ... compensation unit balance, content provider ID, ... (see col. 3 lines 16-27 and col. 5 lines 52-67).

Art Unit: 3622

Regarding claims 60-63, Rafael teaches a compensation data structure, redemption data structure, transaction and session data structure ... work defined as plurality of portions, compensation unit for each portion (see col. 4 line 56 to col. 5 line 51, col. 7 lines 33-47).

Regarding claim 64, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Regarding claim 65, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer, verifying user and session, accepting offer (see col. 7 line 47 to col. 8 line 36). Determining sufficient credit is inherent feature of providing compensation unit to user.

Regarding claims 67-71, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period ..., assigning code to each page ... recording each interaction (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

Regarding claims 72-74, Rafael teaches user terminal, content provider processor coupled through a communication network, transaction processor, requesting compensation for performing work; making an offer; accepting the offer, storing data related to number of interaction; transferring compensation unit to user account; transferring units from user account to vendor account ... (see fig. 3 col. 3 line 15-48 and col. 5 line 35 to col. 8 line 36).

Regarding claim 75, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Art Unit: 3622

Regarding claims 76, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer (see col. 7 line 47 to col. 8 line 36). Verifying offer ID, offer location, determining sufficient credit to compensate are inherent feature.

Regarding claims 78-82, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period...; assigning code to each page ... (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

Regarding claims 83-85 and 89, Rafael teaches defining work, making an offer of compensation units to user, accepting the offered compensation units, storing data related to number or interactions, transferring compensation unit to user ... (see fig. 1&3, and col. 5 line 52 to col. 7 line 47); processor offering items for exchange for redemption of compensation units (see col. 3 lines 15-27).

Regarding claim 86, Rafael teaches portion being available to user, the compensation amount, a mode of interaction, period establishing the frequency, message to present to the user ... (see fig. 3 and col. 3 lines 1-48, col. 5 lines 35-51 and col. 7 line 34 to col. 8 line 56).

Regarding claim 87, Rafael teaches transfer step being completed upon successful evaluation of the accepted offer, verifying user and session, accepting offer (see col. 7 line 47 to col. 8 line 36). Determining sufficient credit is inherent feature of providing compensation unit to user.

Regarding claims 90-94, Rafael teaches interaction comprising any of: visits to a website; action taken by user at the website; a predetermined number of time period ..., assigning code to each page ... recording each interaction (see fig 1&3 and col. 5 line 52 to col. 7 line 47).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 25, 37, 52, 66, 77 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael as applied to claim 16 above, and further in view of Official Notice.

Regarding claims 10, 25, 37, 52, 66, 77 and 88, Rafael teaches user entering a web site but failed to teach checking a cookie. Official Notice is taken that cookie is old and well known in the art of WWW. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to check a cookie in order to record user visits to the cookie issuing server for marketing purpose.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Ginn U.S. Patent No. 6,275,811 teaches award compensation units to work performed through communication network.

Barber U.S. Patent No. 6,289,318 teaches rewarding referral fee to merchants.

NG U.S. Patent No. 6,405,175 teaches rewarding customer referrals on product and price information.

Luth et al. U.S. Patent No. 6,446,044 teaches rewarding user for data of another user.

Art Unit: 3622

DeLuca et al. U.S. Patent No. 5,870,030 teaches rewarding user for reading advertisements.

Eggleston et al. U.S. Patent No. 6,061,660 teaches incentive and award fulfillment method and system.

Goldhaber et al. U.S. Patent No. 5,855,008 teaches compensation for users' profile.

Von Kohorn U.S. Patent No. 5,916,024 teaches rewarding successful players.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yehdega Retta  
Examiner  
Art Unit 3622

YR